

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Joseph G. Furst  
For : IRRADIATED STENT COATING  
Serial No. : 10/810,356  
Filing Date : March 26, 2004  
Examiner : Vy Q. Bui  
Group Art Unit : 3773  
Our Docket : ICON 2 13110-1

**TERMINAL DISCLAIMER**

Petitioner, ICON Interventional Systems, Inc., having a place of business at 1414 South Green Road Suite 309 Cleveland, Ohio 44121, represents that it is the owner of 100 percent interest in the above-identified patent/patent application.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issuing from United States Patent Application Serial No. 12/267,651. Petitioner hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that it and any patent granting from United States Patent Application Serial No. 12/267,651 are commonly owned. This agreement runs with any patent granted on the above-identified patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent granting from United States Patent Application Serial No. 12/267,651, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by re-examination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The chain of title is set forth in the documents enclosed herewith and/or which have been recorded in the Patent Office at reel and frame numbers:021807/0944 and 015766/0458.

The undersigned states that, to the best of the petitioner's knowledge and belief, title is in the petitioner seeking to take this action.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization, and is empowered to act on behalf of the assignee, and declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

For any fee deficiency or overpayment in conjunction with the Terminal Disclaimer, the Commissioner is authorized to charge any fee which may be required, or credit any overpayment to Deposit Account No. 06-0308.

Date

6/26/10



BRIAN E. TURUNG  
Reg. No. 35,394  
The Halle Building, 5<sup>th</sup> Floor  
1228 Euclid Avenue  
Cleveland, OH 44115-1843  
Telephone: (216) 363-9000  
Facsimile: (216) 363-9001  
Attorney of Record